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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,297	01/21/2004	Che Ram Souza Voigt	TELE 1	8272
45498	7590	06/14/2005	EXAMINER [REDACTED]	PRITCHETT, JOSHUA L
RISTO A. RINNE, JR. COMPLETE PATENTING SERVICES 2173 EAST FRANCISCO BOULEVARD, SUITE E SAN RAFAEL, CA 94901			ART UNIT [REDACTED]	PAPER NUMBER 2872

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-1

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/763,297	VOIGT ET AL.	
	Examiner	Art Unit	
	Joshua L. Pritchett	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-44 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-38 is/are allowed.  
 6) Claim(s) 39-44 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Koehler (US 5,008,606).

Regarding claim 39, Koehler discloses a telescope that includes a base member and a primary mirror comprising attaching an IMU (21) to the base member proximate the primary mirror (41).

Regarding claim 41, Koehler discloses the primary mirror is attached to a first side of the base member and the IMU is attached to the opposite second side of the base member (Fig. 2).

Claims 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Pieri (US 6,124,968).

Regarding claim 42, Pieri discloses a telescope that includes a first optical path and a second optical path each path having a distinct wavelength and maintaining the first wavelength of light energy in the first optical path and maintaining the second wavelength of light energy in

the second optical path when the at least one optical group is inserted into or removed from either the first or second optical path (col. 8 lines 46-65; col. 12 lines 36-45; Figs. 6 and 10).

Regarding claims 43 and 44, Pieri discloses the first wavelength includes infrared and the second wavelength includes visible light (col. 8 lines 46-65). It is noted that the visible spectrum overlaps with the near infrared spectrum and a teaching of the visible spectrum will inherently contain some of the near infrared spectrum.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koehler (US 5,008,606) in view of Admitted Prior Art.

Koehler teaches the invention as claimed but lacks reference to the use of a fiber optic gyroscope as the IMU. The current specification states that a fiber optic gyroscope is a well known and commonly used IMU (page 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the IMU of Koehler include a fiber optic

gyroscope as taught by the Admitted Prior Art for the purpose of using a well known means of inertial measurement to attain reliable data.

*Allowable Subject Matter*

Claims 1-38 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 34, the prior art fails to teach or suggest a supporting structure for an optical telescope comprising base assembly that is adapted to support a primary mirror including a predetermined size and shape and an outer perimeter and a center aperture, and an upright member attached at a first end thereof to the base assembly at at least two locations, a first of the at least two locations being disposed inside the aperture of the primary mirror and the second of the at least two locations being disposed beyond the outer perimeter, the upright member including a second end thereof that is distally disposed away from the first end, the second end adapted to support at least one component.

Voigt (US 5,907,433) teaches a base assembly (Fig. 1A) supporting a primary mirror (26) having a predetermined size and shape and an outer perimeter and a center aperture (col. 7 lines 35-40) and an upright member (22) having a first and second end, the first end being attached to the base assembly beyond the outer perimeter (Fig. 1A) and the second end supporting a secondary mirror, but lacks reference to the upright member attaching to the base member inside the center aperture. One of ordinary skill in the art would not find it obvious to connect the

Voigt upright member to the base member inside the central opening because such an attachment may potentially limit the movement of the telescope parts of the Voigt invention.

The remaining claims depend from claims 1 and 34 and are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eden (US 5,400,169) teaches a telescope where the upright member is attached to the base assembly through the central opening (Fig. 1). One of ordinary skill in the art would not find it obvious to attach the upright member to the base member beyond the outer perimeter of the primary mirror because the attachment would block a portion of light incident the Eden primary mirror creating a blind spot in the image produced by the telescope.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLP 



DREW A. DUNN  
SUPERVISORY PATENT EXAMINER